

C 1
Contd

forward direction of said common beam axis, and is for transmitting light impinging at small angles around 0 degrees from the material to be measured and relative to said common beam axis for further measurement; and

a beam deflection arrangement, comprising rigid optical components or an optical waveguide with corresponding connection components, positioned to guide out the impinging light from said common beam axis;

wherein the light is detected at angles of less than 5 degrees around the forward directions of said common beam axis and the detected light of said at least one signal is directed to an entrance slit of a spectrophotometric unit.

REMARKS

Claims 1-40 have been canceled and new claims 41-80 are pending in this application, of which claims 41, 69, and 80 are independent.

Initially, Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in claim 18. Claim 18 has been rewritten in independent form as new claim 80 and should now be in condition for allowance.

In the outstanding Office Action, the Examiner objected to the abstract for minor informalities. Applicant has filed a substitute abstract herewith that complies with M.P.E.P. § 608.01(b). Accordingly, Applicants respectfully request the withdrawal of this objection. The Examiner also objected to claims 11-13, 25, and 33 for minor informalities. Claims 1-40 have been canceled and therefore this objection is moot.

The Examiner rejected claims 1-40 under 35 U.S.C. § 112, second paragraph, for either allegedly failing to properly and definitely define the invention, or depending from a claim that allegedly fails to do so. Claims 1-40 have been canceled and

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

therefore this rejection is moot. Applicants submit that new claims 41-80 properly and definitely define the invention.

With regards to the Examiner's rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) in view of Bradwell et al. (U.S. Patent No. 4,889,815), Hafeman et al. (U.S. Patent No. 5,959,815), Harju (U.S. Patent No. 6,042,785), Nelson et al. (U.S. Patent No. 4,692,883), Winslow et al. (U.S. Patent No. 5,400,137), Cook et al. (U.S. Patent No. 6,175,750), Meller (EP 0 997 726), McCluney (U.S. Patent No. 6,042,785), Modell et al. (U.S. Patent No. 6,104,945), and Tayi (U.S. Patent No. 6,096,561), Applicants assert that none of the cited references disclose or suggest, among other things, making two different types of measurements substantially simultaneously as recited in independent claims 41 and 69. Accordingly, Applicants respectfully request allowance of independent claims 41 and 69 and their respective dependent claims.

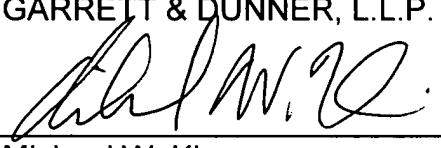
In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 6, 2003

By: 
Michael W. Kim
Reg. No. 51,880

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

ABSTRACT OF THE DISCLOSURE

The present invention relates to a method and an apparatus for the essentially simultaneous performance of spectrophotometric and nephelometric analyses principally in in-vitro diagnosis. The invention includes at least one light source that may have different spectral regions. The light is guided via a common beam guidance arrangement, through at least one filter and diaphragm, to a reaction location where scattered-light or photometric signals, as well as reference signals, can be detected by means of at least one sensor.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com